

The Daily Bulletin: 2023-09-07

PUBLIC/SENATE BILLS

S 527 (2023-2024) **ABC OMNIBUS 2023. (NEW)** Filed Apr 3 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL LAWS OF THIS STATE.*

House committee substitute to the 3rd edition replaces the edition in its entirety with the following. Makes conforming changes to act's long and short titles.

Section 1.

Defines *premixed cocktail* in GS 18B-101(8b) as a single-serving drink in the manufacturer's original closed container of 24 fluid ounces or less with at least 0.5% and no more than 13% alcohol by volume made of spiritous liquor premixed with nonalcoholic beverages, flavoring, or coloring. Changes the description of "premixed cocktail" in the definition of mixed beverage in subsection (10) of that statute so that it is sold by a mixed beverages permittee, regardless of whether it's sold in an open or closed container (currently, a premixed cocktail under mixed beverage means those beverages served from a closed package containing only one serving).

Amends GS 18B-804(b)(8), as amended by this act, to exempt premixed cocktails from the mixed beverage tax if the premixed cocktail sold comes to a mixed beverage permittee in a closed package for resale. Specifies that a mixed beverages tax stamp is not required on these closed beverages. Amends GS 18B-1007(b) (Handling Bottles) to allow mixed beverage permit holders and their employees to possess premixed cocktails sold in a closed package for resale that do not have a tax stamp.

Section 2.

Creates GS 18B-209, which permits members and employees of the Alcoholic Beverage Control Commission (ABC Commission) to sample free products of spiritous liquor under consideration for sale in the State, as long as the person sampling does not consume more than one 0.25 oz. sample of each product. Permits such tastings on property owned by the ABC Commission. Creates GS 18B-707 which extends the same authority to members of a local ABC board, store managers, and general managers of ABC stores. Specifies that tastings can be conducted on property owned by the local ABC Commission, but not in publicly accessible areas of any ABC store.

Section 3.

Amends GS 153A-145.7 to allow a county to adopt an ordinance permitting Sunday operation of ABC stores no earlier than 10 am if petitioned to do so by an ABC Board, and an ordinance is adopted allowing for that time. Enacts the same procedure and authority for cities by amending GS 160A-205.3, and for the Eastern Band of Cherokee Indians tribe and the Catawba Indian Nation by creating new subsection (b2) in GS 18B-112. Makes clarifying changes to include the possibility of Sunday sales at ABC stores in GS 18B-1004(c). Requires written notice to the ABC Commission upon adoption of any such ordinance by the adopting body.

Removes the prohibition in GS 18B-802(b) on ABC store sales on Sunday, New Year's Day, the Fourth of July, and Labor Day. For Sundays, restricts the sale of alcoholic beverages at an ABC store before: (1) 10 am if a county, city, the Eastern Band of Cherokee Indians, or the Catawba Indian Nation authorizes such sales by ordinance upon petition of the local ABC board or (2) noon, where Sunday sales are allowed by the appointing authority of a local ABC Commission.

Section 4.

Creates new subsection (c) of GS 18B-105(c), which allows beer and wine wholesalers and GS 18B-105(d) which allows holders of a supplier representative permit, brokerage representative permit, nonresident spiritous liquor vendor permit, or distillery permit issued under GS 18B-1105) to provide advertising specialty items and product displays (both as defined) to

retailers or local board, as applicable, as long as the cumulative value of items per brand is less than \$600 per year (beer and wine wholesalers) \$1,000 per year (other listed permittees) and the items have not been customized for an individual permittee.

Allows the use of industry branded plug-in coolers in an ABC store as long as the total value of the coolers is less than \$1,500 per brand by amending GS 18B-809.

Sections 5 and 15.

Amends GS 18B-1001 by expanding the list of establishments that may obtain an on-premises unfortified wine permit or an on-premises fortified wine permit to include breweries, and for a mixed beverages permit, to include breweries and wineries.

For the above listed permits, allows certain categories of permittee locations to sell at retail single-serving drinks falling under each permit (i.e., unfortified wine, fortified wine, or mixed beverages) for consumption off the premises, including delivery by the permittee or a delivery service permittee so long as it is sold with food and packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. Specifies container limits. Allows for transportation of sealed single-serving drinks in the passenger side of a motor vehicle. Provides exception to single-serving drink sales to one person off premises. Provides for delivery of such single-serving drinks to the purchaser or a person over 21 years of age, as verified by the permittee or their employees or agents using age verification software requiring that person to present a photo ID. Makes conforming changes to GS 18B-1001.4 to account for new single-serving drinks provisions in GS 10B-1001, set forth above. Amends GS 18B-1105 (authorization of distillery permits) to allow permittees located in (1) an area where the sale of mixed beverages is authorized by law, (2) on a property used for bona fide farm purposes, or (3) in an area where sale of mixed beverages has not been approved by a local election, to sell mixed beverages containing only spiritous liquor for consumption off premises in line with the requirements for sale of off-premises single-serving mixed beverages, set forth above (currently, can only sell on premises).

Makes conforming changes to GS 18B-1001 to account for newly enacted term “bar” (set forth below).

Amends definition of bar under GS 18B-1000(1) to remove language excluding breweries, wineries or distilleries from the definition. Changes the term “Private Bar” to “Bar” in GS 18B-1001 (listing kinds of ABC permits and eligible places) as amended by the act. Defines bar under GS 130A-247 to mean establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of GS 18B-1001 and that does not prepare or serve food other than beverage garnishes, ice, or food that does not require time or temperature control for safety and that is in an unopened original commercial package, except for food used as a beverage garnish. Makes conforming changes to GS 130A-250-(1). Effective October 1, 2023.

Section 6.

Amends GS 18B-404(c) (pertaining to options for purchase and transportation by mixed beverage permittees by limiting the purchase of spiritous liquor by a mixed beverage permittee from a designated ABC store to those operated by any local board operating in the same county as the permittee). Makes technical and conforming changes to GS 18B-600 (places eligible to hold alcoholic beverage elections) and GS 18B-1007 (additional requirements for mixed beverage permittees) to account for changes to GS 18B-404(c).

Amends GS 18B-600 follows. Removes the following additional conditions that a city had an option to meet to hold a malt beverage or unfortified wine election: (1) the city operates an ABC store or (2) that it has a population of 400 or more, but less than 500. Now only requires that city have a population of 400 or more according to the last federal census, in addition to other listed conditions. Makes conforming changes. Reduces the number of registered voters that reside in small city from 300 to 200 for the city to meet the population requirement for a mixed beverage election and removes provisions for small town mixed beverage elections. Removes exemptions for Alamance, Avery, Burke, Caldwell, Carteret, Cleveland, Henderson, Onslow, Polk, Robeson, Rowan, Rutherford, and Wilkes counties. Clarifies that the sale of mixed beverages for ski resorts can be sold by any local board designated by the State ABC Commission despite the requirements of GS 18B-404(c) (requiring sales by local board stores).

Retroactively effective November 1, 2022, and applies to elections conducted on or after that date.

Section 7.

Prohibits mixed beverage permittees from destroying, altering, or defacing the mixed beverage tax stamp or anything else required to be affixed before the container has been emptied; allows a mixed beverage permit holder to cover tax stamps with clear adhesives to prevent the stamp from falling off by creating new subsection (e) of GS 18B-1007.

Section 8.

Creates new GS 18B-210, which requires a local ABC board that plans to sell apportioned products (containers of spirituous liquor that are made available to local boards only by drawings conducted by the ABC Commission), to create a plan that must be approved by the ABC Commission prior to sale, and limits the sale of allocated products to retail customers who are residents of the county where the local ABC board is located. Sets out requirements for the timing of the approval or denial of a plan. Includes a requirement to list all customers who purchase apportioned products in monthly sales records under GS 18B-205(a). Makes the street address of a retail customer who purchased an apportioned product confidential under GS 132-1.2(10). Creates a Class 1 misdemeanor offense for reselling or advertising for resell any apportioned products purchased from a local ABC board in GS 18B-102(c). Specifies that new GS 18B-210 or the amendment to GS 18B-102(c) should not be construed to affect the sale of apportioned products to mixed beverage permittees for resale in mixed beverages. Effective December 1, 2023. Changes to GS 18B-102(c) apply to offenses committed on or after December 1, 2023.

Section 9.

Creates new GS 18B-211, which requires the ABC Commission to inform industry members and local ABC boards at least 60 days before the effective date of a retail price reduction for a spirituous liquor product. Limits the time that the price may be reduced to only the 30 days the approved reduction is in effect. Requires the ABC Commission to adopt rules to address orders placed by a local ABC board for a product with a retail price reduction when the product is out of stock.

Section 10.

Allows ABC stores to sell consumer specialty items, as defined, that are packaged with a spirituous liquor product but excludes any tobacco, vapor, or hemp product or paraphernalia, and permits the ABC Commission (but not local boards) to approve a different retail price for spirituous liquor products packaged with branded specialty items under new subsection (b1) of GS 18B-800. Creates new subsection (b2) of that statute permitting ABC stores to sell physical or electronic gift cards, and subsection (b3) permitting ABC stores to sell empty barrels or parts of barrels from distillers. Prohibits ABC stores or local boards from offering discounts on gift cards or a value in excess of the amount paid for by the customer. Amends subsection (c3) to allow an ABC store to accept an online order for gift cards which may be delivered electronically. Makes clarifying changes. Effective December 1, 2023.

Section 11.

Creates new GS 18B-708, which permits the ABC Commission to authorize a local board to sell spirituous liquor products below the price paid by the local ABC board for the products (including the bailment charge and surcharge), as long as the price reduction does not cause the local ABC board to operate at a loss, or if already operating at a loss, does not cause the board to incur additional annual net revenue losses. Provides for notice to a distiller if its products are authorized for reduced pricing under the statute upon request. Grants the distillery the right of first refusal to purchase any of the distillery's products that a local board requests to sell under new GS 18B-708 for the price authorized by the Commission for two business days prior to the reduction of the retail price in the ABC store.

Section 12.

Amends GS 18B-108 to permit alcoholic beverage sales on trains operating on rail lines that are at least 100 miles long and connected to the federal rail network.

Section 13.

Amends GS 18B-1114.7(b1)(6) to permit the sale of two (was, one) mixed beverages to a customer per day, per distillery, for a consumer tasting under a spirituous liquor special event permit.

Section 14.

Amends GS 18B-903 (pertaining to duration of permits) to specify that after 90 days, a temporary permit shall be deemed to have been issued either under the statute's provisions providing for indefinite permits or one-year permits. Creates a safe harbor provision that prevents the ABC Commission from revoking a permit for failure to pay a renewal application fee or annual registration and inspection fee until June 1 of each year. Provides for a late fee that is 25% of the fee that is late for any payments submitted after April 30 and adds required notification of late payments.

Specifies that the provisions pertaining to change of ownership of permitted premises and which authorize use of the premises to the same extent until the new owner receives a temporary or new permit include purchasing malt beverages, unfortified wine, or fortified wine to be resold for on-premises or off-premises consumption, or spirituous liquor for use in mixed beverages sold by the establishment, as applicable under the permit. Specifies that ABC Commission is not allowed to ask for any other documentation of a new permittee under these provisions other than the statutory notice of new ownership. Holds prior property owner harmless for actions of new owner in relation to permit. Provides for extension of permit if the new owner has requested local Inspection/Zoning Compliance and Local Government Opinion forms from the applicable local government. Provides for notice to the ABC Commission of local government approval or denials. If the local government finds them to not be in compliance, prevents new owner from operating during the transition period until the establishment is brought into compliance. Specifies that the new owner will be authorized to operate the establishment as successor to the prior permittee to the same extent as the predecessor permittee until the Commission either issues or denies the permit application submitted.

Amends GS 18B-905 (temporary permits) to also specify that withdrawals by the ABC Commission of pending applications by a permittee possessing a temporary permit are effective upon service at the specified places (currently, just applies to revocation of a temporary permit). Now specifies that service must be at the permittee's residence or the address given for the business in the permit application. Changes timing of expiration and withdrawal to include expiration of five (was, three) business days after notice was mailed. Makes clarifying change and language gender neutral.

Section 16.

Amends GS 10B-1001 to add a new malt beverage shop permit, which authorizes the following: (1) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises; (2) the retail sale of malt beverages dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled; (3) malt beverage tastings on the premises conducted and supervised by the permittee; (4) shipping malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. Authorizes sales on premises subject to certain conditions and limitations. Limits the preparation and sale of food to food that is regulated under State food and lodging law. Sets the application fee at \$100. Makes conforming changes to GS 18B-903(b) (renewal of ABC permits) and to the definition of permittee in GS 18B-300.1 to account for new permit.

Section 17.

Adds two new permits to GS 18B-1001:

(1) A cotenant permit, which may be issued to a restaurant that occupies the same building as another ABC permittee, provided that the building has no other tenants and the building does not have a common area that is open to the public but not part of the premises of one of the two permittees. The permit authorizes the permittee to allow customers to bring open containers of malt beverages, unfortified wine, fortified wine, or mixed beverages from the premises of the other ABC permittee who occupies the same building onto the premises of the permit holder. Sets application fee at \$50.

(2) A bring your own beverage permit, to be issued to an adult live entertainment business, as defined. Authorizes the permittee to allow patrons to bring closed containers of malt beverages and unfortified wine onto the premises and consume the malt beverages and unfortified wine on the premises. Sets application fee at \$100.

Enacts new GS 18B-301.1, pertaining to possession and consumption at adult live entertainment businesses, as defined. Makes it illegal to consume, or allow the consumption of alcoholic beverage at any adult live entertainment businesses without a permit.

Effective October 1, 2023.

Section 18.

Amends GS 18B-1001 to allow for a mobile bar service permit to be issued to a business that provides bartending services for events to allow the permittee to bring malt beverages, unfortified wine, fortified wine, and spirituous liquor onto the premises of a business that is not an ABC permittee and to serve the alcoholic beverages to guests at the event, regardless of whether there is a charge or fee for guests to attend the event. Provides that the permit does not allow the retail sale of individual

alcoholic beverages to guests at the event. Authorizes the permittee to purchase malt beverages and unfortified wine from either a retailer or wholesaler. Authorizes the permittee to purchase fortified wine from an ABC store or wholesaler. Bars the permittee from serving the above specified alcohol at any location owned or possessed by the permittee. Specifies that a limited special occasion permit is not required for an event at which alcoholic beverages are exclusively provided by the holder of a mobile bar services permit. Sets forth requirements for purchase, notice, servers, transportation of alcohol to an event, and removal of alcohol. Establishes a \$500 fee for the permit. Makes conforming changes to GS 18B-902(h) (recycling plan required as part of permit application) and GS 18B-903(b2) (recycling plan required as part of permit renewal) to require new mobile bar services permittees to submit recycling plan for containers of beverages served at an event pursuant to the permit. Amends GS 18B-804 by including the specified \$20 per four liters charge in the price of spirituous liquor sold to a mobile bar services permittee. Effective October 1, 2023.

Section 19.

Amends the definition of community theatre under GS 18B-1001 so that it refers to establishments presenting performing arts events (currently, theatrical events).

Section 20.

Increases the number of members of the NC Alcoholic Beverage Control Commission from 3 to 5 (one chairman and four associate members). Divides appointment authority as follows: the chair and two associate members continue to be appointed by the Governor, but the other two associate members are each appointed by the President Pro Tempore of the Senate and the Speaker of the House, respectively. (Currently, all three members are appointed by the Governor and serve at the pleasure of the Governor.) All members serve at the pleasure of the appointing authority. Provides for filling of vacancies by each appointing authority. Makes language gender neutral. Effective December 1, 2023.

Section 21.

Amends GS 18B-502 (pertaining to inspections of licensed ABC premises) to require when any alcohol law enforcement agent or local ABC officer issues a citation for violations of GS Chapters 14 or 18B to an employee of an establishment who is not the named holder of an ABC permit for the establishment, that the issuer must send notice by electronic means or certified mail to the holder of the permit within five business days of the issuance of the citation. Provides for notice to the holder of an ABC permit if the ABC Commission receives a report from a law enforcement agency other than those specified above documenting violations GS Chapters 14 or 18B for conduct occurring on the premises of a permitted establishment. Clarifies that nothing in this provision prevents or limits the ABC Commission from taking any action warranted by the circumstances of the violation. Effective December 1, 2023.

Section 22.

Creates a new Distillery Estate District (DED) in GS 18B-1006. Defines a DED as a tract of real property or multiple contiguous or adjacent tracts of real property, separated only by a river, lake, or public or private road, on which a distillery holding a distillery permit, a winery holding an unfortified winery permit, and at least three other establishments holding mixed beverages permits are located. Specifies that all real property and permittee establishments must be under common ownership and control, as defined. Requires the distillery or its parent or affiliate entity to notify the ABC Commission of the boundaries of the real property comprising the distillery estate district and provide to the ABC Commission a list of the ABC permittees under common ownership and control that are located in the distillery estate district prior to engaging in activities authorized under this subsection. Provides for sales of spirituous liquor at the distillery by a mixed beverage permittee located in a DED and under the common ownership and control with the distillery. Provides for process and coding of such spirituous liquor. Allows for consumer tastings of spirituous liquor in DED's. Allows for sales in a DED by unfortified wine permittees located in the DED and under common ownership and control with the distillery. Provides for sales hours, coding, pricing, and remission of excise and sales and use taxes. Provides that no additional permits are needed to conduct such activities and that the creation of DED's under the statute is not intended to limit or affect activities otherwise authorized by any permit held by an ABC permittee located in a DED. Makes conforming changes to GS 18B-804 (alcoholic beverage pricing) and GS 105-113.80 (excise taxes on spirituous liquors) to account for new DEDs. Effective October 1, 2023.

Section 23.

Expands authorized activities for wine importers (under GS 18B-116) and malt beverages importers (GS 18B-1108) under an ABC permit to include receiving beverage falling under the permit for storage, sale, shipment, and transshipment to private or

public entities or establishments of other states or nations, subject to the laws thereof. Expands authorized activities for liquor importers/bottlers under an ABC permit to include receiving spirituous liquor in closed containers into the State for storage, sale, shipment, and transshipment to the State warehouse or, subject to the laws of other jurisdictions, to private or public agencies or establishments of other states or nations. Amends definition of supplier under GS 18B-1119 so that it does not include wholesalers who also possess a wine importer permit or a malt beverages importer permit and does not directly or through an affiliated entity also possess a nonresident wine vendor permit or a nonresident malt beverages vendor permit (currently, the wholesaler just needs to also possess a wine importer or malt beverage permit to be excluded from the definition). Also amends GS 18B-1105.1 to allow the holder of a liquor importer/bottle permit to receive spirituous liquor in closed containers for storage, sale, shipment, and transshipment to the State warehouse or to private or public agencies or establishments of other states or nations.

Section 24.

Enacts GS 18B-804(e), establishing a minimum price of spirituous liquor ranging from a minimum price of \$0.95 for a 50 milliliter container to \$12.95 for a 1.75 liter container. Allows the ABC Commission to set higher minimum distillers' prices by container size for individual categories of spirituous liquor. Effective February 1, 2024.

Effective 25.

Enacts new GS 18B-300.3 (pricing flexibility local option) that permits the holder of an on-premises malt beverage permit, an on-premises unfortified wine permit, an on-premises fortified wine permit, a mixed beverages permit, a wine shop permit, a malt beverage shop permit, or a distillery permit, located in the local government that adopted the required ordinance to do any of the following, for any period of time, so long as an ordinance is adopted by the relevant local authority where permittee is located: (1) sell an alcoholic beverage at a price that is different from the usual or established price charged for the alcoholic beverage; (2) sell more than one alcoholic beverage to a patron for a single price; (3) establish a single price based upon the required purchase of more than one alcoholic beverage; (4) offer a meal and alcoholic beverage at a single total price, whether or not the total price reflects a reduced price of the alcoholic beverage; or (5) advertise the price and type of alcoholic beverages via newspapers, radio, television, or other mass media. Exempts the sale of spirituous liquor sold at a distillery in closed containers to visitors who tour the distillery for consumption off the premises. Enacts new GS 153A-145.7A (allowing counties to enact an ordinance authorizing the above activities) and GS 160A-205.6 (same for cities). Effective October 1, 2023.

Requires the ABC Commission to amend its rules to reflect new GS 18B-300.3 and authorizes the use of the procedure governing temporary rulemaking under the APA to do so.

Section 26.

Amends GS 18B-112 (pertaining to tribal alcoholic beverage control) to authorize the establishment of a Catawba Indian Nation Tribal Alcoholic Beverage Control Commission to also regulate the purchase, possession, consumption, sale, and delivery of alcoholic beverages on any land designated as Indian Country under federal law under the jurisdiction of the Eastern Band of Cherokee Indians, in addition to Beverage Control Commission of the Eastern Band of Cherokee Indians. Exempts the Catawba Indian Nation from the provisions of GS Chapter 18B, except those that specifically apply under the Statute; makes conforming changes. Amends GS 18B-109(b) to prevent direct shipment of malt beverages or unfortified wine shipped directly from a point outside the State to the Catawba Indian Nation for resale on Indian Country lands within this State under the jurisdiction of the Catawba Indian Nation, in addition to other places already listed in the statute. Makes conforming changes to GS 18B-203(a)(17) (pertaining to distribution of spirituous liquor to Native American tribes) to account for inclusion of the new Catawba Indian Nation.

Section 27.

Adds new subsection (a4) to GS 105-164.27A, which allows a purchaser of qualifying spirituous liquor, defined as a single container of spirituous liquor costing \$50,000 or more, to apply for a direct pay permit to avoid paying sales tax on the liquor purchase to the seller and instead pay use tax directly to the Secretary of Revenue. The maximum amount of use tax imposed is \$1,000, and the permit applies only to the purchase of qualifying spirituous liquor. Also provides an excise tax exemption in GS 105-113.81(f) for luxury liquor, defined as a single container of spirituous liquor costing \$50,000 or more.

Effective and applicable to purchases on or after January 1, 2024.

Section 28.

Requires the ABC Commission to treat two or more contiguous parcels with different addresses as a single parcel if the following are met: (1) each parcel is connected to one or more parcel such that the parcels share a single perimeter; (2) the parcels are under common ownership or control; and (3) access between the buildings on the parcels is available to customers without having to access the public street or sidewalk.

Section 29.

Enacts new GS 18B-1114.8, which creates a new home maker special event permit for home maker clubs, as defined, to give free tastings of homemade malt beverages and wines on the premises of retail ABC permittees and at shopping malls, or at trade shows, conventions, street festivals, holiday festivals, agricultural festivals, balloon races, farmers markets, local fundraisers, and other similar events approved by the ABC Commission. Requires members of the home maker club to conduct the tasting. Specifies that the permit holder (the home maker club) is responsible for any violations of ABC law occurring in connection with a consumer tasting. Specifies twelve listed requirements for these consumer tastings, including: (1) that no homemade products be removed from or consumed outside any area/ABC store where consumption is authorized; (2) advance notice to the ABC Commission/retail permittee of products to be offered at the consumer tasting; (3) labeling requirements; (4) rules pertaining to service; (5) storage on any permitted premises of homemade products; (6) that no consumer be charged for any tasting sample or for entry to the tasting; and (7) records requirements. Sets fee of \$50 for the permit. Makes conforming changes to GS 18B-306 (making wine and malt beverages for private use) to account for new home maker special event permit. Effective December 1, 2023.

Section 30.

Amends the definition of private club under GS 18B-1000(5) to exempt an establishment that (1) qualifies under Section 501(c) of the Internal Revenue Code, and (2) is a franchisee of a franchisor that is permitted as a private club and has been in operation for a minimum of 12 months, from having to have been in operation for a minimum of 12 months prior to application for an ABC permit. Applies to applications received by the ABC Commission after the act becomes law.

Section 31.

Amends GS 18B-1006 to allow limited distillery sales in recreation districts (as defined) by a permittee whose premises is within ten miles of a qualified facility in a recreation district to, with the permission of the facility, sell for consumption off the premises bottles of spirituous liquor commemorating a motorsports-related event that is being held at the facility as if they were being sold at the distillery following a tour. Requires that the facility be in a recreational district in an area in a county that has not approved the issuance of a mixed beverages permit; has at least two cities that have approved the sale of malt beverages, wine, and the operation of an ABC store; and contains a facility of at least 90 acres where five or more motorsports-related events are held each year. Limits such sales to only occur during the motorsports-related event held at the facility that the bottles are commemorating, and only during the hours in which spirituous liquor sales at distilleries may occur following a tour. Provides for coding, batching, pricing, and labeling. Effective October 1, 2023.

Section 31.1

Amends GS 18B-1001.5 (pertaining to designation of areas allowed for consumption as part of authorizations of common area entertainment permits) as follows. Specifies that only one common area entertainment permit will be required at a multi-tenant establishment regardless of how many common areas are designated by the multi-tenant establishment as designated consumption areas, and all indoor and outdoor common areas designated by the multi-tenant establishment as designated consumption areas will be covered by that permit. Allows for adjacent indoor and outdoor areas designated by the multi-tenant establishment as designated consumption areas, to be deemed one single designated consumption area so that a customer may transition from one adjacent area to the other without having to dispose of their alcoholic beverage.

Section 31.2

Requires the Alcohol Seller/Server Training Rule (14B NCAC 15B.0113(e)) to be implemented as follows. Requires that an approved course provider update their responsible alcohol seller/server training course content within 90 days of notice from the ABC Commission to the course provider of changes needed in the alcohol education training curriculum to reflect changes in current ABC laws or rules. Directs the ABC Commission to amend its rules so that it is consistent with this provision. Exempts those rule amendments from review by the rules commission under the APA. Specifies that the rule becomes effective

on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the ABC Commission approved the rule as set forth in GS 150B-21.3(b1). Sunsets this provision when the permanent rules become effective.

Section 31.3

Amends GS 18B-1006(a)(10) (pertaining to ABC permits for school and college campuses) to include community colleges as one of those “public colleges or universities” that can obtain an alcoholic beverage permit for use at a stadium, athletic facility, or arena upon vote of the Board of Trustees. Makes conforming changes by deleting permit allowing sale of certain alcoholic beverages at professional sports events held at community college stadiums if certain conditions are met.

Section 32.

Contains a severability clause.

Intro. by Moffitt, Johnson, Hanig.

[GS 18B, GS 105, GS 143](#)

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[Alcoholic Beverage Control, Government, Tax, Native Americans](#)

ACTIONS ON BILLS

PUBLIC BILLS

S 274: STUDY INDEP. OLDER ADULT SVS. (NEW)

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Ref To Com On Rules and Operations of the Senate

S 429: MODIFY CHARITABLE SOLICITATION LICENSING LAWS.

Senate: Ratified

S 492: ADULT CORRECTIONS/LAW ENF. CHANGES. (NEW)

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Ref To Com On Rules and Operations of the Senate

S 527: ABC OMNIBUS 2023. (NEW)

House: Reptd Fav Com Substitute

House: Ruled Material

House: Re-ref Com On Finance

LOCAL BILLS

H 5: FUQUAY-VARINA/CLEMMONS DEANNEXATIONS. (NEW)

Senate: Conf Com Appointed

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